

Exhibit 1

From: Bentley, Philip [mailto:PBentley@KRAMERLEVIN.com]
Sent: Wednesday, October 10, 2012 7:21 PM
To: Princi, Anthony
Cc: Levitt, Jamie A.; Rains, Darryl P.; Clark, Daniel E.; Kaufman, Philip S.
Subject: RE: RE:

Tony,

The witness I was referring to was Tim Devine. To be clear, we have no set plans as to who we will call, but it is our present intention to call him; this of course may change.

Best,

Phil

Philip Bentley

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-----Original Message-----

From: Princi, Anthony [mailto:APrinci@mofo.com]
Sent: Wednesday, October 10, 2012 6:32 PM
To: Bentley, Philip
Cc: Levitt, Jamie A.; Rains, Darryl P.; Clark, Daniel E.
Subject: RE:

Phil, I should have acknowledged that since your fact witness is an "adverse" witness you may not control him/her and hence not be able to accept service of a subpoena on him/her -- apologies for any potential confusion. Notwithstanding that you characterize the witness as "adverse," we may still need to depose this person so please let us know the identity of this person promptly. Thanks.

>Anthony Princi
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>_____

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-----Original Message-----

From: Princi, Anthony
Sent: Wednesday, October 10, 2012 3:07 PM
To: 'pbentley@kramerlevin.com'
Cc: Levitt, Jamie A.; Rains, Darryl P.; Clark, Daniel E.
Subject:

Phil, I apologize if we've been provided this information and I've overlooked it, but can you please let us know the name and address of your proposed fact witness? Also, can you please let us know if you will accept service of a subpoena for the deposition of this witness? Thanks.